

REMARKS

Claims 1-16 are pending. Claims 4-5, 7-8 and 11-12 are allowed. Claims 3, 6, 9 and 13-16 have been withdrawn from consideration pursuant to the previous restriction requirement. Applicants have carefully considered the March 19, 2007 Office Action, and the comments that follow are presented in a bona fide effort to address all issues raised in that Action and thereby place this case in condition for allowance. Entry of the present Request for Reconsideration is respectfully solicited. It is believed that this response places this case in condition for allowance. Hence, prompt favorable reconsideration of this case is solicited.

It is respectfully requested that the Examiner expressly acknowledge receipt of the certified copy of the priority documents. Applicants submit that the certified copy of Japanese Patent Application No. 2003-053150 was filed November 18, 2003 with the parent patent Application No. 10/714,596. A certified copy of Japanese Patent Application No. 2004-025456 was filed on July 16, 2004 in the present application. The Examiner is requested to acknowledge receipt of these priority documents with the next Office communication.

Claims 1-2 and 10 were rejected under the first paragraph of 35 U.S.C. § 112. The Examiner maintains that the phrase austenite grain size number does not appear to be a standard international term or one that is not subject to change. The Examiner asserted that the previously submitted JIS publication is not an internationally recognized standard and that the publication is not relevant in that it does not define a grain size number exceeding 10. Reconsideration and withdrawal of the rejection are solicited in view of the following remarks and accompanying publication.

Application No.: 10/787,263

The attached publication was obtained from the web site: <http://www.metallography.com/grain.htm>), an association of metallography in the United States. Particularly in the section captioned, "The International Scene", it is described that many countries including Japan have adopted the grain size number G (Gm) which is defined by ASTM (American Society for Testing and Materials) Test Methods E112. A copy of the ASTM Test Methods E112 is also attached hereto. It is thus apparent that the claimed austenite grain size number exceeding 10 is an internationally recognized standard. Accordingly the rejection is not legally viable and it is requested that the rejection be withdrawn.

It is believed that the pending claims are now in condition for allowance. Applicants therefore respectfully request an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicants' representative at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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